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Filling of casual vacancies in the Commission

Note by the Secretariat

1. Following the election in April 1998 of Luigi Ferraro Bravo as Judge of the European Court of Human Rights, the election in October 1998 of Mohamed Bennouna as Judge of the International Tribunal for the Former Yugoslavia and the appointment in January 1999 of Václav Mikulka as Director of the Codification Division, three seats have become vacant on the International Law Commission.

2. In this case, article 11 of the Commission's statute is applicable. It prescribes that:

> "In the case of a casual vacancy, the Commission itself shall fill the vacancy having due regard to the provisions contained in articles 2 and 8 of this Statute."

Article 2 reads:

> "1. The Commission shall consist of thirty-four members who shall be persons of recognized competence in international law.
>
> "2. No two members of the Commission shall be nationals of the same State.
>
> "3. In case of dual nationality a candidate shall be deemed to be a national of the State in which he ordinarily exercises civil and political rights."

Article 8 reads:

> "At the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured."

3. The terms of the three members to be elected by the Commission will expire at the end of 2001.

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